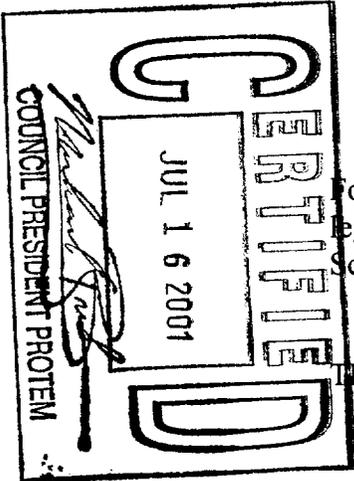


01-R-1052

Entered - 06/11/01 - dp
CL01L0347 - DIANNE C. MITCHELL

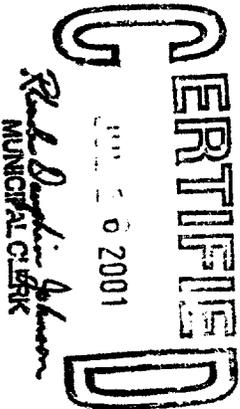
CLAIM OF: **PIERRE THOMAS, a minor,**
through his attorney,
James E. Watkins
245 Country Club Drive
Building 300, Suite D
Stockbridge, Georgia 30281



for damages alleged to have been sustained as a result of a broken leg while attending school on April 9, 2001 at Margaret Harris High School.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



CONSENT AGENDA

ADVERSED BY
CITY COUNCIL JUL 16 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01
CHAIR: C. T. Monte

[Signature]
[Signature]
[Signature]



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 26, 2001

James E. Watkins
Attorney at Law
245 Country Club Drive
Building 300
Suite D
Stockbridge, GA 30281

01-R-1052

RE: Pierre Thomas a minor

Dear Attorney Watkins:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0347

Date: June 20, 2001

Claimant /Victim PIERRE THOMAS, a minor
BY: (Atty) James E. Watkins
Address: 245 Country Club Drive, Building 300, Suite D, Stockbridge, Georgia 30281
Subrogation: Claim for Property damage \$ Bodily Injury \$ 5,000,000.00
Date of Notice: 06/04/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 04/09/01 Place: Margaret Harris High School
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his leg was broken by employees of the Margaret Harris High School. Margaret Harris High School is a part of the Atlanta Board of Education which is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised of the above and to pursue his claim directed with the Atlanta Board of Education.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-22-01
Committee Action: Council Action

245 Country Club Drive
Building 300, Suite D
Stockbridge, GA 30281
(678) 289-8628
Fax (678) 289-8240

James E. Watkins, Esq.
Attorney at Law

124 N. McDonough Street
Jonesboro, GA 30236
(770) 472-8600
Fax (770) 471-1760

May 30, 2001

ENTERED - 6-11-01 - DP
01LOB47 - DIANNE MITCHELL

State Of Georgia
Department of Administrative Services
200 Piedmont, Suite 1804, West Tower
Atlanta, GA 30303

City of Atlanta
Department of Administrative Services
68 Mitchell Street
Atlanta, GA 30303

DeKalb County
Department of Administrative Services
4380 Memorial Drive
Suite 200
Decatur, GA 30032

Fulton County
Department of Administrative Services
141 Pryor Street, SW
Atlanta, GA 30303

To: **State Of Georgia, City Of Atlanta, DeKalb County and Fulton County**

You are hereby notified that on April 9, 2001 between the hours of 7:20 A.M. and 1:00 P.M., Pierre Thomas (a 16 year old child, who suffers from cerebral palsy, is unable to speak or move on his own) was injured with a broken leg while at Margaret Harris High School, 1634 Knob Hill Dr. NE, Atlanta Georgia. The injury occurred as follows:

Monday, April 9, 2001, Angela Thomas, the mother of Pierre Thomas prepared him for school in her normal fashion and his leg was not broken.

Monday, April 9, 2001, bus driver Coela Sanders stated that Pierre made normal whining noises on the way to school. Later that same day his feeding tube came out of his person. Angela Thomas was called by the school staff at 1:00 P.M. and went to the school to replace the tube. She was unable to reinsert the tube. Whenever she touched his leg he would react and cry. He would not let his mother touch his leg. She had trouble with the child all during the night and gave him Tylenol.

RECEIVED
Commissioner's Office
JUN 04 2001
Department of
Administrative Services

M. Mitchell
06/11/01
[Signature]

6/11

Tuesday, April 10,2001, bus driver Coela Sanders said that Pierre cried all the way to school. She reported it to the staff before she left the school.

Tuesday, April 10,2001, Ms. Thomas called the school nurse Carol Ann Hubbel, she requested the school nurse to check his leg, who later confirmed that she was not aware that his leg was broken, but later found out that something was wrong. The school staff never called the mother to report this injury.

Tuesday, April 10,2001, the child was taken to Dr. Robert Bruce. Dr Bruce gave him several medicines. He was given Tylenol with codeine and Valium, Valuporic acid and Baclofen. The child was over-medicated and almost died from the medications.

The extent of injury was as follows 4/9/2001 Pierre Thomas suffered a broken leg while in the custody of the above mentioned school. 4/12/2001 the child suffered respiratory arrest and pneumonia from medications from the doctor and/or his staff.

The injury was the result of negligence as follows: The staff or Margaret Harris High School personnel negligently broke the leg of Pierre Thomas while in the custody of the school staff and as a result of said injury the child was near death.

As the result of said negligence and injury, Pierre Thomas suffered the following damages:

Special Damages: (a) Hospital charges, (b) Special nurses, (c) Drugs and medicines, (d) Physician's charges, (e) Loss of earnings, (f) Pain and suffering, (g) Loss of consortium, (h) Mental distress, (i) Future suffering, (j) General Damages and Compensatory Damages and (k) Defamation of Character.

This notice is made pursuant to O.C.G.A. § 36-33-5, and Plaintiff demands payment of his claim in the amount of \$5,000,000 Five Million Dollars. General Damages and Compensatory Damages of \$5,000,000 Five Million Dollars.

James Edward Watkins
ATTORNEY

JEW/md

01-R-1052

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
50. 01-R-1045
51. 01-R-1046
52. 01-R-1047
53. 01-R-1048
54. 01-R-1049
55. 01-R-1050
56. 01-R-1051
57. 01-R-1052
58. 01-R-1053
59. 01-R-1054
60. 01-R-1055
61. 01-R-1056
62. 01-R-1057
63. 01-R-1058
64. 01-R-1059
65. 01-R-1060
66. 01-R-1061
67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
-